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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/624,043      | 07/21/2003  | Marc Eric Regardie   | 11061               | 5921             |

25570 7590 08/22/2008  
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MCLEAN, VA 22102-8064

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| EXAMINER |
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ADE, OGER GARCIA

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| ART UNIT | PAPER NUMBER |
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3687

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|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

08/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lgallaugh@rmsclaw.com  
dbeltran@rmsclaw.com

**Office Action Summary****Application No.**

10/624,043

**Applicant(s)**

REGARDIE ET AL.

**Examiner**

GARCIA ADE

**Art Unit**

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 10-17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 10-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/24/2008.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3687

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. [US 2004/0064361, and further in view of Hendrickson et al. [US 2002/0111983 A1].

**As per claims 1, 2, and 5-8**, Anderson discloses a communications processing system for automating communication between a sender and one or more recipients [see paragraph 27 (e.g. **communication with the processing system 702**)] comprising:

(a) at least one sender terminal for receiving and displaying information [see paragraph 30 (e.g. **information handling system 700 may preferably include a display system 712**)];

(b) at least one recipient terminal for receiving and displaying information [see paragraph 30 (e.g. **information handling system 700 may preferably include a display system 712**)];

(c) a communications network through which said at least one sender terminal may communicate with at least one recipient terminal [see paragraph 16 (e.g. **TCP/IP suite of protocols to communicate with each other**)].

Anderson discloses all elements per claimed invention as explained above. Anderson does not explicitly disclose a communications scheduling engine, said communications scheduling engine automatically generating communications between said sender and said recipient on a sender specified schedule; wherein said communications scheduling engine is configurable to selectively permit or deny the generation of communications by said sender to at least one of said one or more recipients.

However, Hendrickson discloses a communications scheduling engine, said communications scheduling engine automatically generating communications between said sender and said recipient on a sender specified schedule [see abstract of the invention], and said communications scheduling engine is configurable to selectively permit or deny the generation of communications by said sender to at least one of said one or more recipients [see paragraph 11, summary of the invention, and paragraph 22 (e.g. **scheduling engine 12 commands and controls**)].

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hendrickson to the teaching of Anderson in order to provide architecture for managing event driven activities [see summary of the invention].

**As per claims 3 and 4**, Anderson discloses the communications network is the internet, and the communications network is a private network [see paragraph 16 (e.g. **worldwide network may be the Internet including a worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with each other**)].

**As per claim 9**, Anderson discloses at least one of the characteristics of a user interface located on said seller terminal is determined by the identity of the seller [see paragraph 29 (e.g. **information handling system 700 may include a network connection device or a network interface 706**)].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571.272.3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/  
Supervisory Patent Examiner, Art Unit 3687

Garcia Ade  
Examiner  
Art Unit 3687

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